



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 4 May, 2011
at 6.31pm

PRESENT

Councillors Berman (Chairman), Browne, Chopra, Evans, Hutchence, Martin, McMurdo, Mills, Russell and Smart

NATIONAL ANTHEM

OPENING PRAYER

The Mayor opened the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

ABORIGINAL RECOGNITION

This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN

Statement by the Chairman:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairman:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

Nil

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairman:

"In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR EVANS,

THAT the Minutes of the Planning Meeting held on Wednesday 6 April 2011 be confirmed, a copy having been distributed to all Councillors.

This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,
MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

1 MM4/11 Brothels in the Hornsby Shire

(F2004/07513)

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by
COUNCILLOR BROWNE,

THAT Council:

1. Write to the Minister for Planning and Infrastructure requesting that he review the Standard Instrument with a view to removing requirements that mandate the permissibility of brothels within Comprehensive Local Environmental Plans.
2. Write to all Local State Members of Parliament seeking their support in directing additional funding flowing from the new Brothel Licensing Scheme to enable enhanced monitoring of unlicensed brothels.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,
MILLS, RUSSELL AND SMART

AGAINST: COUNCILLORS MARTIN AND MCMURDO

NOTICES OF MOTION

NOTE: Notice of Motion No. NOM7/11 is included under the 'Supplementary Report' section of these Minutes as Item 9.

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

Nil

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN

THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 1, 2, 4, 5, 6, 8 and 9 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the recommendations in respect of items 3 and 7 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

For the sake of clarity, the above items are recorded in Agenda sequence.

NOTE: Persons wishing to address Council on matters which were on the Agenda were permitted to speak, prior to the item being discussed, and their names are recorded in the Minutes in respect of that particular item.

DEVELOPMENT APPLICATIONS

A WARD DEFERRED

Nil

A WARD

2 PLN39/11 Development Application - Recreation facility - 7 Vision Valley Road, Arcadia

(DA/61/2011)

Mr James Dupree, on behalf of the residents at 23 Geelans Road, Arcadia, addressed Council regarding this item.

Mr Ken Hargraves, of Arcadia, addressed Council regarding this item.

Mr Bryce Bridges, on behalf of the applicant, addressed Council regarding this item.

Mr David Buckley, of Vision Valley, addressed Council regarding this item.

Mr Ian Hanslow, of Vision Valley, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR EVANS,

THAT Development Application No. 61/2011 for alterations and additions to an existing recreation facility at Lot 11 DP 217208, No. 21 Geelans Road, Arcadia be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN39/11, as amended by the following requirements;

This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

1. Add new condition, to be inserted as Condition No. 5 with remaining conditions to be renumbered accordingly, which reads:

5. Location of Existing Easement

Prior to undertaking any works, a survey be undertaken to determine the precise location of the 'easement to draw water' (one metre wide) to determine whether it would be affected by the dressage ring. In the event that the easement is within the zone of influence of the dressage ring, the applicant (at sole cost) shall relocate the easement to a location to the satisfaction of Council and register same on the title of the land.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,
MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

**3 PLN32/11 Development Application - Section 96(2) - Multi-Unit Housing
Development - 33 Pacific Highway, Wahroonga**

(DA/878/2007/B)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by
COUNCILLOR EVANS,

THAT Development Application No. 878/2007/B for the demolition of a motel and erection of a multi-unit housing development comprising 33 dwellings and strata title subdivision at Lot 1 DP 780083, Lot 2 DP 780083, No. 33 Pacific Highway, Wahroonga be approved as detailed in Schedule 1 of Executive Manager's Report No. PLN32/11.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,
MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

C WARD DEFERRED

Nil

C WARD

4 PLN37/11 Development Application - Subdivision of One Lot into Two

This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN

37 Cardinal Avenue, Beecroft

(DA/1375/2010)

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE,

THAT consideration of Development Application No. 1375/2010 for the subdivision of one lot into two at Lot 22 DP 21629, No. 37 Cardinal Avenue, Beecroft be deferred until the 6 July 2011 Planning Meeting to allow the applicant an opportunity to address the matters raised in Schedule 1 of Executive Manager's Report No. PLN37/11.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

5 PLN38/11 Development Application – Dwelling - House - 156 Beecroft Road, Beecroft

(DA/935/2010)

Mr Mark Williams, of Cheltenham, addressed Council regarding this item.
Mr Stuart Pittendrigh, of Cheltenham, addressed Council regarding this item.
Ms Nirmala Anandasivam, owner, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE,

THAT Development Application No. 935/2010 for the demolition of a dwelling-house and the erection of a dwelling-house at Lot A, DP 396364, No. 156 Beecroft Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN38/11.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

6 PLN40/11 Development Application - Section 96(2) - Subdivision of One Lot into Two - 39 Hannah Street, Beecroft

(DA/1470/2009/A)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT as the Applicant has withdrawn this Development Application, the matter not be further considered by Council.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,

This is page 6 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN

MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

GENERAL BUSINESS

7 PLN41/11 Reporting Variations to Development Standards

(F2004/07599)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the contents of Executive Manager's Report No. PLN41/11 be received and noted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

SUPPLEMENTARY REPORTS

9 NOM7/11 Comprehensive Local Environmental Plan Galston

(F2004/07524)

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR MILLS,

THAT:

1. A report be prepared for Council's consideration at a Planning Meeting prior to the end of 2011 outlining the proposed planning controls under the Comprehensive Local Environment Plan for the Galston and Glenorie area.
2. The report include options to prepare planning controls that provide greater housing choice in the Galston and Glenorie areas having regard to the newly elected NSW Government's commitment to construct sewerage infrastructure in Galston and Glenorie in the short term and the Government's commitment to facilitating an increased supply of greenfield housing in the Sydney metropolitan region. The report should also include a preliminary analysis of any constraints to development, including (but not limited to) appropriate allotment sizes, agricultural viability of land, infrastructure and services, transport and environmental constraints.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MILLS, RUSSELL AND SMART

AGAINST: COUNCILLORS MARTIN AND MCMURDO

CONFIDENTIAL ITEMS

This is page 7 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN

8 PLN43/11 Update Report in Respect of Legal Actions Concerning Hornsby Quarry

This report was deemed confidential under Section 10A (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(F2007/01279-05)

Mr Joe Nagy, of Wahroonga, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR BROWNE,

THAT the recommendations contained within confidential Executive Manager's Report No. PLN43/11 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.02pm.

These Minutes were confirmed at the meeting held on Wednesday, 1 June 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 May, 2011.

GENERAL MANAGER

CHAIRMAN